

## **Freedom of Information Act 2000 (Section 51)**

### **Information notice**

**Date:** **25 June 2020**

**Public Authority:** **West Sussex County Council**

**Address:** **County Hall**  
**West Street**  
**Chichester**  
**West Sussex**  
**PO19 1RQ**

### **Section 51**

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Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

### **Application under section 50**

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1. The Commissioner has received an application under section 50, reference FS50911629, for a decision as to whether two requests for information, made by the complainant to the Council on 21 November and 29 November 2019 respectively, have been dealt with in accordance with the requirements of Part I of the Act.

## **Nature of complaint**

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2. The complainant has asked the Commissioner to determine whether or not the Council is entitled to rely on section 40(2) of the FOIA to withhold information.

## **Information required**

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3. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the Council shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information.
  - The information it is withholding that falls within the scope of the request of the complainant's request of 21 November 2019
  - The information it is withholding that falls within the scope of the request of the complainant's request of 29 November 2019

## **Failure to comply**

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4. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

## **Right of appeal**

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5. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504  
Fax: 0870 739 5836  
Email: [grc@Justice.gov.uk](mailto:grc@Justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

6. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

**Signed .....**

**Phillip Angell**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**